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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,089	04/10/2000	David S. Wehrle	00AB078	2586

7590 10/03/2002

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EXAMINER

PERVEEN, REHANA

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TK

Office Action Summary	Application No.	Applicant(s)
	09/546,089	WEHRLE ET AL.
	Examiner Rehana Perveen	Art Unit 2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 September 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) 1-3 and 13-17 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 4-7 and 9-12 is/are rejected.

7) Claim(s) 8 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 April 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

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Part III DETAILED ACTION

Election/Restriction

1. Applicant's election of Group II, claims 4-12, with traverse in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Also, the requirement is still deemed to be proper and is therefore made FINAL.

2. Claims 1-3 (Group I) and 13-17 (Group III), therefore, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. Specifically, claim 4 recites the physical media includes a first protocol for enabling the at least one I/O module to receive the network communications, and a second protocol provides the network communications to the at least one I/O module. It is not clear from the claim language whether the network communications being sent to the I/O module using the second protocol and the I/O module receives the network communications using the first protocol. Correction is therefore required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371[®] of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being

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examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 4, 5, 7, 9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Jaramillo, Patent No. 6,301,632.

7. As to claim 4, Jaramillo teaches a physical media for providing communications to at least one I/O module, the physical media includes a first protocol for enabling the at least one I/O module to receive the network communications, and a second protocol provides the network communications to the at least one I/O module (figure 2, abstract, and col. 5 lines 19-63).

8. As to claim 5, Jaramillo teaches the at least one I/O module enables at least one other I/O module to form an I/O group via the first protocol (figure 3 and col. 7 lines 3-67).

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9. As to claim 7, Jaramillo teaches an interface for providing a pass thru for the network communications (figure 2, 251 or 255).
10. As to claim 9, Jaramillo teaches an adapter for establishing network communications (figure 2, access bridge 250).
11. As to claim 12, Jaramillo teaches at least one I/O module including a processor for receiving a first protocol as an input and providing the first protocol as an output (210, figure 2).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 6, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaramillo, Patent No. 6,301,632, in view of Burke et al, patent no. 6,052,382.

14. As to claim 6, neither Jaramillo nor Burke et al expressly teach the second protocol being one of DeviceNet, EtherNet, or ControlNet. Official notice is taken that the second protocol being one of a specific type such as DeviceNet, EtherNet, or ControlNet has been quite well known to one of ordinary skill in the art at the time of the invention, thus rendering it obvious to utilize such protocols.

15. As to claim 10, Jaramillo does not expressly teach the adapter including a processor. Burke et al teach an adapter including at least one processor for enabling at least one I/O module to recompose messages in a diverse communications protocol environment as recited in the applicant's claim (mediation device 10, figure 1 and abstract).

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16. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine teachings of Jaramillo and Burke et al because Burke et al's processor in the adapter, when incorporated into Jaramillo's system, would have improved performance capability of the adapter by allowing the adapter to perform additional functions.
17. As to claim 11, Burke et al teach the adapter includes an Offlink Connection Manager object, a node list, and an I/O data table (Figure 1 and col. 5 lines 7-40).

Allowable Subject Matter

18. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
19. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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or faxed to:

(703) 746-7239, (for formal communications
intended for entry)

Or:

(703) 746-7240 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Fourth Floor (Receptionist).

20. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to
Rehana Perveen, whose telephone number is (703) 305-8476.
The examiner can normally be reached Monday through Friday
from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can
be reached at (703) 308-3301. The fax phone number for this
Group is (703) 746-7239.

Any inquiry of a general nature or relating to the
status of this application should be directed to the Group
receptionist whose telephone number is (703) 305-3900.

Rehana Perveen
September 30, 2002



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100